

REMARKS

Claims 1-39 are pending in the application. Claims 1, 19, 23, 27, 29, 32 and 36 have been amended. Support for the amendments to claims 1, 19, 23, 27, 29, 32 and 36 can be found throughout the application as originally filed, specifically in examples 1 to 6. No new matter has been added.

The Present Invention:

Before considering the rejections cited in the Office Action, a brief, non-limiting review of the invention is presented in order to assist the Examiner in understanding how the present claims distinguish the invention over the prior art. The present invention is directed to a non-erasable, organic solvent based ink composition for use in a writing instrument comprising an isocyanate free thermoplastic polyurethane resin, a colorant and an organic solvent. The ink composition may also include a second resin, plasticizers, antioxidants, corrosion inhibitors, lubricants, chemical dispersants and surfactants.

The Rejections Under 35 U.S.C. § 103:

- A. Claims 1-13, 16-23, 26-28 and 36 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over United States Patent No. 6,387,984 ("Ito") in view of United States Patent No. 4,146,699 ("Cook").
- B. Claims 24-25 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Ito in view of Cook and further in view of United States Patent No. 4,686,246 ("Gajria").
- C. Claims 37-39 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Ito in view of Cook and further in view of United States Patent No. 6,454,846 ("Yatake").
- D. Claims 29-31 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Ito in view of Cook and further in view of either United States Patent No. 5,059,246 ("Yamamoto") or United States Patent No. 4,077,807 ("Kramer").
- E. Claims 32-35 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Ito in view of Cook and further in view of United States Patent No. 4,471,079 ("Enami"). Applicants respectfully traverse.

Claims 1, 19, 23, 27, 29, 32 and 36 and therefore claims 2-18, 20-22, 24-26, 28, 30-31, 33-35 and 37-39, which depend from claims 1, 19, 23, 27, 29, 32 and 36, respectively, have been amended to recite "A non-erasable, organic solvent based ink composition for a

writing instrument comprising..." Ito, entitled "Aqueous Ballpoint Ink Composition" discloses an aqueous ink for ball point pens. *See, e.g.* col. 8, line 23, "the present [Ito] aqueous ink composition contains water." The Ito ink composition may also contain a water-soluble organic solvent, wherein the amount of water-soluble organic solvent is 1-40 wt% with respect to the total amount of aqueous ink composition. One of skill in the art would not look to Ito, which discloses aqueous-based ink compositions, to develop Applicants' ink, which is organic solvent based.

Thus, one of skill in the art would not look to Ito or have been led to combine Ito with any of Cook, Gajria, Yatake, Yamamoto, Kramer or Enami to develop Applicants' ink. Therefore, Applicants respectfully request the Examiner withdraw the rejections under 35 U.S.C. § 103(a).

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve any remaining items.

Respectfully submitted,

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Appendix A
Changes to the Claims

The rewritten claims were revised as follows:

1. (Twice Amended) A non-erasable, organic solvent based ink composition for a writing instrument comprising an isocyanate free thermoplastic polyurethane resin, an organic solvent and a colorant, wherein the viscosity of the ink composition is from about 1,000 to about 50,000 cps at 20° C.
19. (Twice Amended) A non-erasable, organic solvent based ink composition for a writing instrument comprising an isocyanate free thermoplastic polyurethane resin, an organic solvent, a colorant and a second resin, wherein the viscosity of the ink composition is from about 1,000 to about 50,000 cps at 20° C.
23. (Twice Amended) A non-erasable, organic solvent based ink composition for a writing instrument comprising an isocyanate free thermoplastic polyurethane resin, an organic solvent, a colorant and a corrosion inhibitor, wherein the viscosity of the ink composition is from about 1,000 to about 50,000 cps at 20° C.
27. (Twice Amended) A non-erasable, organic solvent based ink composition for a writing instrument comprising an isocyanate free thermoplastic polyurethane resin, an organic solvent, a colorant and a chemical dispersant, wherein the viscosity of the ink composition is from about 1,000 to about 50,000 cps at 20° C.
29. (Twice Amended) A non-erasable, organic solvent based ink composition for a writing instrument comprising an isocyanate free thermoplastic polyurethane resin, an organic solvent, a colorant and an antioxidant, wherein the viscosity of the ink composition is from about 1,000 to about 50,000 cps at 20° C.
32. (Twice Amended) A non-erasable, organic solvent based ink composition for a writing instrument comprising an isocyanate free thermoplastic polyurethane resin, an organic solvent, a colorant and a plasticizer, wherein the viscosity of the ink composition is from about 1,000 to about 50,000 cps at 20° C.

36. (Twice Amended) A non-erasable, organic solvent based ink composition for a writing instrument comprising an isocyanate free thermoplastic polyurethane resin, an organic solvent, a colorant and a lubricant, wherein the viscosity of the ink composition is from about 1,000 to about 50,000 cps at 20° C.